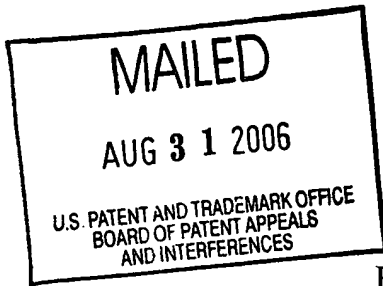


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte GLENN J. GORMLEY, KEITH D. KAUFMAN,  
ELIZABETH STONER and JOANNE WALDSTREICHER

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Application 10/010,678

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on August 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The content under the heading “**SUMMARY OF CLAIMED SUBJECT MATTER**” contained in the Appeal Brief filed on December 16, 2005 does not provide a sufficient summary of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each

Application 10/010,678

independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section. [See 37 CFR § 41.37(c)(1)(v).]

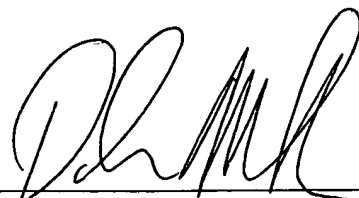
A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(v) is required.

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner to have appellants submit a Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(v) for the “Summary of Claimed Subject Matter,” section contained in the Appeal Brief filed on December 16, 2005, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
DALE M. SHAW  
Deputy Chief Appeals Administrator  
(571) 272-9797

GJH

cc: ERCK AND CO., INC.  
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